In re Application of:

Sam J. Kelley, et al.

Serial No.:

10/820,617 April 8, 2004

Filing Date: Title:

BALL PITCHING GAME AND METHOD

Honorable Commissioner of Patents & Trademarks Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Pursuant to the duty of disclosure under 37 C.F.R. § 1.56, Applicants submit this statement. The references disclosed herein are listed on the attached PTO Form SB/08B. A copy of the inventors' declaration is attached hereto. No representation is made or intended that a search has been made or that no better prior art than that listed is available.

Respectfully submitted,

CASH LAW GROUP, PLLC Attorneys for Applicants

Darin M. Klemchuk

Registration No. 47,709

Date: May 11, 2004

7502 Greenville Ave., Suite 500

Dallas, TX 75231 Tel: (214) 890-9246 Fax: (214) 550-2671

Under the Paperwork Reduction Act of 1995, no persons are Substitute for form 1449/P O MAY 2 4 2004 INFORMATION DISCLASSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Approved for use through 07/31/2006. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE re required to respond to a collection of information unless it contains a valid OMB control number. Complete if Known			
				Application Number	10/820,617		
				Filing Date	April 8, 2004		
				First Named Inventor	Sam J. Kelley		
				Art Unit			
				Examiner Name			
Sheet	1	of	1	Attorney Docket Number	20010.00002		

NON PATENT LITERATURE DOCUMENTS							
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²				
ŧ	1	Attached declaration of Inventors					
	-						

Examiner	Date	
Signature	Considered	

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:

Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

In re Application of:

Sam J. Kelley, et al.

Serial No.: Filing Date:

10/820,617 April 8, 2004

Title:

BALL PITCHING GAME AND METHOD

Honorable Commissioner of Patents & Trademarks Washington, D.C. 20231

DECLARATION OF INVENTORS IN SUPPORT OF SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

- 1. Our names are Sam J. Kelley and Christopher H. Davis. We are the inventors of the invention claimed in the above-referenced patent application. We are submitting this Declaration and Supplemental Information Disclosure Statement to satisfy our duty of candor and disclosure to the U.S. Patent and Trademark Office.
- 2. Sometime between February and April 2002 at the home of Sam J. Kelley, we demonstrated an early prototype of the game disclosed and claimed in the above-referenced patent application to Jim Gibson and Tyson Brennan. This prototype did not include a center ball, nor did it have the same rules or playing field dimensions as the game claimed in the above-referenced patent application. This was the only disclosure of a prototype of the game prior to July 18, 2002.
- 3. Between March 2002 and April 2002, we added a center ball to the game, changed the dimensions of the game's playing field, and changed the rules of the game. The game design was formalized on or about April 25, 2003, and we subsequently filed a provisional patent application (serial number 60/488,157) receiving a July 18, 2003 filing date from the U.S. Patent and Trademark Office. On April 8, 2004, we filed the above-referenced non-provisional patent application claiming priority to the provisional patent application under 35 U.S.C. 119(e).
- 4. All statements herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

Inventor One:

Date: May 1/2, 2004

Sam J. Kellev

Inventor Two

Christopher H. Davis

Date: May <u>10</u>, 2004